

## **EXHIBIT W**

N7DCede1

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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3 DR. SARI EDELMAN,

4 Plaintiff,

5 v.

21 Civ. 502 (LJL)

6 NYU LANGONE HEALTH SYSTEM, *et*  
7 *al.*,

8 Defendants.

Trial

-----x

9 New York, N.Y.

10 July 13, 2023

8:55 a.m.

11 Before:

12 HON. LEWIS J. LIMAN,

13 District Judge

14 -and a Jury-

15 APPEARANCES

16 MILMAN LABUDA LAW GROUP PLLC

Attorneys for Plaintiff

17 BY: JOSEPH M. LABUDA

EMANUEL S. KATAEV

18 TARTER KRINSKY & DROGIN LLP

Attorneys for Defendants

19 BY: RICHARD C. SCHOENSTEIN

20 RICHARD L. STEER

21 INGRID J. CARDONA

N7DCedel

Antonik - Redirect

1 THE COURT: How is this within the scope of the  
2 examination that was conducted by the defense?

3 MR. KATAEV: Your Honor, the witness testified that he  
4 was so busy with COVID that he didn't have time to deal with  
5 any of this and I want to address that aspect, if I could have  
6 a little bit of leeway, this is my final point.

7 THE COURT: If you keep it short. It's beyond the  
8 scope, but if you keep it short, I'll relax the rules.

9 Q. For the November 13th, 2019 entry that Ms. Ruiz made, she  
10 wrote: "Conversation took place between Dr. Edelman and Miriam  
11 Ruiz." Correct?

12 A. I see that.

13 Q. But you wrote in your email to Dr. Porges: "Edelman  
14 berated Miriam after Miriam asked her basic questions about the  
15 schedule." Correct?

16 A. Yes.

17 Q. You were not present during that conversation, were you?

18 A. No.

19 Q. So you were not in a position to editorialize this;  
20 correct?

21 MR. STEER: Objection, your Honor.

22 THE COURT: Sustained as to form. You can ask in a  
23 different form without the "editorialized."

24 Q. It wouldn't be appropriate for you to change what she wrote  
25 because you were not there; correct?

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Kaplan - Direct

1 A. One would assume so.

2 Q. Focusing back on exhibit 1, you received this email from  
3 Dr. Porges because you asked Mr. Antonik to ask him to send it,  
4 correct?

5 A. That is not correct.

6 Q. Well, Dr. Porges called you prior to sending you this  
7 email, didn't he?

8 A. He did.

9 Q. And he told you that he had some alleged concerns about Dr.  
10 Edelman, didn't he?

11 A. He started to tell me about his concerns.

12 Q. And you stopped him from telling you those concerns, didn't  
13 you?

14 A. I did. I told him to put it in writing.

15 Q. And you needed it in writing so you could use to send it to  
16 Mr. Swirnow, correct?

17 A. I wanted it in writing so it was documented so that I would  
18 be able to forward it to my leadership.

19 Q. And you never asked Dr. Porges how he came to learn about  
20 these issues, correct?

21 A. It wasn't my place to do so.

22 Q. So that means you didn't, right?

23 A. I did not.

24 Q. Now, based on your experience in hospitals and working with  
25 various other institutions, there are multiple factors that go

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Kaplan - Cross

1 (Jury present)

2 THE COURT: Counsel, you may inquire.

3 Mr. Kaplan, you're reminded you're still under oath.

4 MR. STEER: Your Honor, I would like to mark for  
5 identification Defendants' RR.

6 THE COURT: Any objection to RR?

7 MR. KATAEV: I believe it's already admitted.

8 THE COURT: RR is received and may be published to the  
9 jury.

10 (Defendant's Exhibit RR received in evidence)

11 CROSS-EXAMINATION

12 BY MR. STEER:

13 Q. Mr. Kaplan, I'm showing you Defendants' RR. Does that  
14 confirm the date when Ms. Pacina reached out to you?

15 A. Yes.

16 Q. Now, when you spoke with plaintiff, did she say anything to  
17 you about Mr. Antonik calling her a bitch?

18 A. She did not.

19 Q. When you spoke with Ms. Pacina, did saying to you about  
20 calling her a bitch?

21 A. She did not.

22 Q. Did anyone else say anything else to you about whether  
23 plaintiff was called a bitch?

24 A. Did not.

25 Q. When you were speaking with Ms. Pacina, did she say

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Swirnow - Direct

1 another direction.

2 Q. He did not tell her about any of these clinical concerns;  
3 correct?

4 A. Not that I recall.

5 Q. He did not raise any of the interpersonal issues; correct?

6 A. Not that I heard.

7 Q. After you received this November 6th, 2020 email, did you  
8 ever ask Dr. Porges to speak to Dr. Edelman about these issues?

9 A. We asked if he felt that he could -- him and Dr. Goldberg  
10 could mentor Dr. Edelman to improve her quality standards.

11 Q. And both Dr. Goldberg and Dr. Porges said they could not do  
12 so; correct?

13 A. That's correct.

14 Q. And, in fact, they said that these issues were ones that  
15 could not be remediated; correct?

16 A. They did not think that they could mentor her to improving  
17 the standards.

18 Q. One of the complaints raised here is that she took too many  
19 tests and labs; correct?

20 A. That's what it says.

21 Q. But to your knowledge, Dr. Edelman was never asked to take  
22 less tests and less labs, was she?

23 A. I don't know.

24 Q. And you personally never spoke to Dr. Edelman about the  
25 issues raised here, only about the office space issue; correct?